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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,329	06/22/2001	Jeff Davison	2556.203	9215
52529 7590 09/28/2009 SCHEEF & STONE, L.L.P. 500 N. Akard Suite 2700 DALLAS, TX 75201				
EXAMINER				
BASEHOAR, ADAM L				
ART UNIT		PAPER NUMBER		
2178				
NOTIFICATION DATE		DELIVERY MODE		
09/28/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jack.stone@scheefandstone.com

lisa.fox@scheefandstone.com

ljohnson@scheefandstone.com

# Office Action Summary

**Application No.**

09/888,329

**Applicant(s)**

DAVISON, JEFF

**Examiner**

ADAM L. BASEHOAR

**Art Unit**

2178

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No./Mail Date: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communications: The Amendment filed 07/17/09.
2. Independent claim 28 has been added as necessitated by the Amendment.
3. All previous rejections to the claims have been maintained.
4. Claims 1-28 are pending in this case. Claims 1 and 28 are independent claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama et al (US-6,009,436 12/28/99) in view of Bata et al (US-6,901,403 05/31/05).

-In regard to independent claims 1 and 28, Motoyama et al teach method and system (column 26, lines 26-67: e.g. "computer code generated for execution is loaded...execution by the CPU"; column 27, lines 1-14 )(Fig. 19: "CPU", "RAM", "ROM", "Hard Disk") for processing a markup language file having one or more portions, the method comprising steps performed by a processor of (column 26, lines 26-67: e.g. "execution by the CPU"; column 27, lines 1-14 )(Fig. 19):

downloading a first markup language file using the hyper text transfer protocol and referencing the first markup language file by its uniform resource location or by a name of a local file on a system on which a user is operating (column 9, lines 53-60: "browser downloads a

requested HTML file...HTML file stored locally”; column 16, lines 1-15: “file name the user selects for opening”; column 31: line 23-25: “http”), said first markup language file including named tags (column 1, lines 49-67; column 2, lines 1-25);

parsing the first markup language file for one or more portions of the first markup language file (column 7, lines 6-15: “parsing”; column 8, lines 30-67: “tag of line 62 is parsed....the parser recognizes”); and

storing each portion of the first markup language file into a directory structure (column 2, lines 36-41 & 51-61: “file naming scheme...are non-directory file names...process information encoded in a structured information format...into another structured information format; column 3, lines 15-56: “transformation of an SGML document into...a database format”). Motoyama do not specifically teach wherein the markup language file containing tag names contained arbitrarily named tags and wherein the directory structure storing the markup language file contained folders, subfolders, and files, complying with the structure of the first markup language file, wherein each of the folders and subfolders depend from the tag names in the markup language file. Bata teach converting a markup language file containing arbitrarily named tags (column 4, lines 20-37: “XML...data element delimiters, such as tags”; column 18, lines 5-65; column 25, lines 3-38; column 26, lines 65-67; column 27, lines 1-60: i.e. XML allows arbitrary tag naming) and wherein the directory structure storing the markup language file contained folders, subfolders, and files, complying with the structure of the first markup language file, wherein each of the folders and subfolders depend from the tag names in the markup language file (column 4, lines 20-37: “XML...data element delimiters, such as tags”; column 18, lines 5-65; column 25, lines 3-38; column 26, lines 65-67; column 27, lines 1-

60)(Figs. 8 & 9). It would have been obvious to one of ordinary skill in the art at the time of the invention for the system of Motoyama to have been able process XML documents into a matching directory structure as shown in Bata, because Bata taught that by utilizing XML data in a matching directory structure the user of Motoyama would gain the advantage of being able to more easily navigate, access, present, and manipulate data from any number of data sources having different formats (column 39, lines 60-67) as well as the ability to maintain the dialect of the original XML document creator (column 25, lines 3-21).

7. Claims 2-7 and 9-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama et al (US-6,009,436 12/28/99) in view of Bata et al (US-6,901,403 05/31/05) in further view of Microsoft FrontPage 2000, Screen Shots, 12/31/99, pp. 1-20 (Hereafter FrontPage)..

-In regard to dependent claim 3-7, 9-22, and 27, the document processing systems of Motoyama and Bata teach a command language set for processing XML documents but do not specifically teach a command language set with the following functionally as taught by FrontPage. FrontPage teaches a command language set comprising:

- listing the contents of a folder (pp.6: i.e. opening the file shows a listing of its contents)
- changing folders and syntax for designating subfolders of folders (pp.6: i.e. opening different folders and changing the syntax by clicking the “+” or “-“ to open or close a folder)
- listing the contents of a file (pp.7: i.e. opening the file and listing the contents in the display window)
- selection and viewing of objects (pp. 6 & 7: i.e. viewing selectable files and folders)

-listing the attributes of a hypertext markup language tag (pp. 5: i.e. listing the “HTML” view of a file)

-treating the contents of a file as a local variable when a directory pathname for the file is referenced (pp. 7: i.e. “members.htm” file and contents are downloaded and thus local variables to the client)

-treating an attribute of a file as a local variable when a directory pathname is referenced (pp. 5: i.e. file and attribute contents are downloaded and thus local variables to the client)

-making new folders in the directory structure (pp. 8: “New Folder”)

-making new files in the directory structure (pp. 9: “New Page”)

-copying folders in the directory structure (pp. 10: “Copy”)

-recursively copying folders in the directory structure (pp. 18: “images\_copy(1)” & “images\_copy(2)”)

-copying files in the directory structure (pp. 11: “Copy”)

-recursively copying files in the directory structure (pp. 18: “search\_copy(1)” & “search\_copy(2)”)

-renaming folders in a directory structure (pp. 12: “Rename”)

-renaming files in a directory structure (pp. 13: “Rename”)

-creating new files through redirection of an output command (pp. 9: “New Page”)

-setting a file value (pp. 14: i.e. File Renaming or Title Changing)

-saving the modified file to disk (pp. 15: “Save” or “Save As”)

-outputting the modified file to a standard output (pp. 16: “Print”)

-creating HTML documents containing references to tag variables (pp. 19: i.e. downloaded HTML website), allowing insertion into a markup document the contents of a file from a second markup language document (pp. 20: i.e. Allowed for the insertion of file “search.htm” into the first HTML document).

It would have been obvious to one of ordinary skill the art at the time of the invention for the document mapping and transformation system of Motoyama to have included the additional commands of the command language set as taught by FrontPage, because FrontPage taught that by providing command language functionality to stored documents, the user of Motoyama could more easily manipulate and edit the content of any stored document.

-In regard to dependent claims 23-26, Motoyama and Bata do not teach but FrontPage teaches where said command language set allows creation of a batch file containing a subset of commands (pp. 17: “Publish to Web” or “Preview in Browser”: i.e. Publishing or Previewing a folder creates a file that executes a subset of commands to execute the publishing or previewing to all files in the folder) and defining local variables for processing in conjunction with variables and attributes of the files (pp. 14: i.e. File Renaming or Title Changing & Fig. 5: Variables & Attributes one of the files). FrontPage also teaches comprising a command for loop processing (pp. 17: i.e. Publish to Web commands open-looped processing of all the files selected to be published) and jumping to a new location within the file and resuming execution at a new location via the inner file links (pp. 4: Links “[More help](#)”, “[Missing terms](#)”, etc.). It would have been obvious to combine the teachings of Motoyama with said features of FrontPage for the same rational as provided above.

-In regard to dependent claim 2, Motoyama and Bata do not teach but FrontPage teaches wherein the MakeAbs Method can be used to convert relative uniform resource locations into absolute uniform resource locations (“Converting Relative and Absolute URL’s,” pp.1-2 <http://msdn.microsoft.com/library/default.asp?url=/library/en-us/off2000/html/fphowURLs.asp>). FrontPage doesn’t teach wherein the conversion was done automatically. It would have been obvious to one of ordinary skill in the art at the time of the invention for FrontPage to have converted all relative URLs to absolute URLs, because FrontPage teaches that the recommended addressing for FrontPage was absolute addressing (“Converting Relative and Absolute URL’s,” pp. 1-2 <http://msdn.microsoft.com/library/default.asp?url=/library/en-us/off2000/html/fphowURLs.asp>). It would have been obvious to combine the teachings of Motoyama with said features of FrontPage for the same rational as provided above.

8. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama et al (US-6,009,436 12/28/99) in view of Bata et al (US-6,901,403 05/31/05)Microsoft FrontPage 2000, Screen Shots, 12/31/99, pp. 1-20 in further view of Leblang et al (US-5,574,898 11/12/96).

-In regard to dependent claim 8, the combination of Motoyama, Bata, and FrontPage does not teach wherein its “Open” command in the command set includes adding wildcards in the pathname. Leblang et al teaches wherein adding wildcards to pathnames was well known in the art at the time of the invention (column 11, 18-20). It would have been obvious to one of ordinary skill in the art at the time of the invention for FrontPage to have allowed wildcards in any “Open” pathname, because Leblang et al teaches wherein wildcards in pathnames allow for



the matching of many similar names and would thus allow the finding and opening of files that would generally be of the same type or related in some fashion.

### ***Response to Arguments***

9. Applicant's arguments filed 07/17/09 have been fully considered but they are not persuasive.

-In response to applicant's arguments, the recitation of the steps being performed by a processor has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

-In regard to the newly amended independent claim 1, Applicant argues that the Motoyama reference fails to teach or suggest the steps of downloading, parsing, and storing are performed by a processor. The Examiner respectfully disagrees and as shown above in the rejection of the claims the Examiner notes that the Motoyama reference clearly teaches said features (column 26, lines 26-67: e.g. "computer code generated for execution is loaded...execution by the CPU"; column 27, lines 1-14)(Fig. 19: "CPU", "RAM", "ROM", "Hard Disk"). While not relied upon, the Examiner additionally notes that the Bata references also teaches similar features being performed by a processor (column 4, lines 20-37: "data are dynamically transformed"; column 25, lines 22-67; column 26, lines 1-65; column 27, line 1-

column 28, lines 5: "database data may be automatically formatted)(Figs. 7-10 & 18: "Processor")

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. "without an interactive user") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). To the extent that the Applicant appears to be trying to claim "automatic" processing, the Examiner notes that Motoyama reference clearly teaches wherein it was notoriously well known in the art at the time of the invention for automatically processing a markup language document into another format (column 2, lines 42-49). Additionally, Applicant's own invention appears to require user interaction (Paragraph 63: "data request from a user...human being...computer process controlled by a human being...automated computer process)(Fig. 1).

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Baschoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Adam L Baschoar/  
Primary Examiner, Art Unit 2178